

Fill in this information to identify your case:

United States Bankruptcy Court for the:

SOUTHERN DISTRICT OF NEW YORK

Case number (if known) \_\_\_\_\_

Chapter 11

Check if this an  
amended filing

Official Form 201

**Voluntary Petition for Non-Individuals Filing for Bankruptcy**

4/19

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name	<u>Birches at Schoharie, L.P.</u>		
2. All other names debtor used in the last 8 years	Include any assumed names, trade names and <i>doing business as</i> names		
3. Debtor's federal Employer Identification Number (EIN)	<u>47-1493130</u>		
4. Debtor's address	Principal place of business  <u>104 Smith Avenue</u> <u>Kingston, NY 12401</u> Number, Street, City, State & ZIP Code	Mailing address, if different from principal place of business  <u>P.O. Box, Number, Street, City, State &amp; ZIP Code</u>	
	<u>Ulster</u> County	Location of principal assets, if different from principal place of business  <u>192 Main Street Schoharie, NY</u> Number, Street, City, State & ZIP Code	
5. Debtor's website (URL)			
6. Type of debtor	<input type="checkbox"/> Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP)) <input checked="" type="checkbox"/> Partnership (excluding LLP) <input type="checkbox"/> Other. Specify: _____		

Debtor **Birches at Schoharie, L.P.**  
Name \_\_\_\_\_ Case number (*if known*) \_\_\_\_\_

**7. Describe debtor's business****A. Check one:**

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
- Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- Railroad (as defined in 11 U.S.C. § 101(44))
- Stockbroker (as defined in 11 U.S.C. § 101(53A))
- Commodity Broker (as defined in 11 U.S.C. § 101(6))
- Clearing Bank (as defined in 11 U.S.C. § 781(3))
- None of the above

**B. Check all that apply**

- Tax-exempt entity (as described in 26 U.S.C. §501)
- Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

**C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.**

See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

**8. Under which chapter of the Bankruptcy Code is the debtor filing?****Check one:**

- Chapter 7
- Chapter 9
- Chapter 11. *Check all that apply:*

- Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625 (amount subject to adjustment on 4/01/22 and every 3 years after that).
- The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- A plan is being filed with this petition.
- Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the attachment to *Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

- Chapter 12

**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?** No. Yes.

If more than 2 cases, attach a separate list.

District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_

District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_

**10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?** No Yes.

List all cases. If more than 1, attach a separate list

Debtor \_\_\_\_\_ Relationship \_\_\_\_\_

District \_\_\_\_\_ When \_\_\_\_\_ Case number, if known \_\_\_\_\_

Debtor Birches at Schoharie, L.P.  
Name \_\_\_\_\_ Case number (*if known*) \_\_\_\_\_

**11. Why is the case filed in this district?** *Check all that apply:*

Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.

A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

**12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?**

No

Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

**Why does the property need immediate attention? (Check all that apply.)**

It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? \_\_\_\_\_

It needs to be physically secured or protected from the weather.

It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

Other \_\_\_\_\_

**Where is the property?**

Number, Street, City, State & ZIP Code \_\_\_\_\_

**Is the property insured?**

No

Yes. Insurance agency \_\_\_\_\_

Contact name \_\_\_\_\_

Phone \_\_\_\_\_

### Statistical and administrative information

**13. Debtor's estimation of available funds** *Check one:*

Funds will be available for distribution to unsecured creditors.

After any administrative expenses are paid, no funds will be available to unsecured creditors.

**14. Estimated number of creditors**

1-49  
 50-99  
 100-199  
 200-999

1,000-5,000  
 5,001-10,000  
 10,001-25,000

25,001-50,000  
 50,001-100,000  
 More than 100,000

**15. Estimated Assets**

\$0 - \$50,000  
 \$50,001 - \$100,000  
 \$100,001 - \$500,000  
 \$500,001 - \$1 million

\$1,000,001 - \$10 million  
 \$10,000,001 - \$50 million  
 \$50,000,001 - \$100 million  
 \$100,000,001 - \$500 million

\$500,000,001 - \$1 billion  
 \$1,000,000,001 - \$10 billion  
 \$10,000,000,001 - \$50 billion  
 More than \$50 billion

**16. Estimated liabilities**

\$0 - \$50,000  
 \$50,001 - \$100,000  
 \$100,001 - \$500,000  
 \$500,001 - \$1 million

\$1,000,001 - \$10 million  
 \$10,000,001 - \$50 million  
 \$50,000,001 - \$100 million  
 \$100,000,001 - \$500 million

\$500,000,001 - \$1 billion  
 \$1,000,000,001 - \$10 billion  
 \$10,000,000,001 - \$50 billion  
 More than \$50 billion

Debtor

**Birches at Schoharie, L.P.**

Name

Case number (if known)

**Request for Relief, Declaration, and Signatures**

**WARNING --** Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature  
of authorized  
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 12, 2019  
MM / DD / YYYY

**X /s/ Stephen Fell**

Signature of authorized representative of debtor

**Stephen Fell**

Printed name

Title Authorized Signer**18. Signature of attorney****X /s/ Michelle L. Trier**

Signature of attorney for debtor

Date September 12, 2019

MM / DD / YYYY

**Michelle L. Trier 1212**

Printed name

**Genova & Malin**

Firm name

**1136 Route 9****Wappingers Falls, NY 12590**

Number, Street, City, State &amp; ZIP Code

Contact phone 845-298-1600

Email address \_\_\_\_\_

**1212 NY**

Bar number and State

Fill in this information to identify the case:

Debtor name Birches at Schoharie, L.P.

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF NEW YORK

Case number (if known) \_\_\_\_\_

Check if this is an amended filing

Official Form 202

## Declaration Under Penalty of Perjury for Non-Individual Debtors

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

**WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.**

**Declaration and signature**

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- Schedule A/B: Assets–Real and Personal Property* (Official Form 206A/B)
- Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- Schedule H: Codebtors* (Official Form 206H)
- Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- Amended Schedule*
- Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- Other document that requires a declaration

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 12, 2019

X /s/ Stephen Fell

Signature of individual signing on behalf of debtor

Stephen Fell

Printed name

Authorized Signer

Position or relationship to debtor

Fill in this information to identify the case:

Debtor name	<b>Birches at Schoharie, L.P.</b>
United States Bankruptcy Court for the:	<b>SOUTHERN DISTRICT OF NEW YORK</b>
Case number (if known):	_____

Check if this is an  
amended filing

**Official Form 204****Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders**

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Albany Electric, Inc. 548 State Highway 30 Esperance, NY 12066		<b>Business debt</b>	<b>Contingent Unliquidated Disputed</b>			<b>\$27,296.66</b>
Automatic Door Doctor, Inc. 121 N. Plains Industrial Road B Wallingford, CT 06492		<b>Business debt</b>	<b>Contingent Unliquidated Disputed</b>			<b>\$1,928.00</b>
CR Drywall Company, Inc. 11 Drywall Lane, #3 Voorheesville, NY 12186		<b>Business debt</b>	<b>Contingent Unliquidated Disputed</b>			<b>\$53,872.78</b>
Dave McArthur		<b>Business debt</b>	<b>Contingent Unliquidated Disputed</b>			<b>\$3,566.60</b>
Interior Craftsman, Inc. 1 Sasev Court, #002 Monroe, NY 10950		<b>Business debt</b>	<b>Contingent Unliquidated Disputed</b>			<b>\$40,610.05</b>
Jersey Montana Corp. 104 Smith Avenue Kingston, NY 12401		<b>Business debt (legal fees)</b>				<b>\$20,000.00</b>
JJP Slipforming, Inc. 145 Wells Avenue Middleburgh, NY 12122		<b>Business debt</b>	<b>Contingent Unliquidated Disputed</b>			<b>\$11,460.67</b>
Juan Joel Gopar 18 West Street Wappingers Falls, NY 12590		<b>Business debt</b>	<b>Contingent Unliquidated Disputed</b>			<b>\$2,111.80</b>

Debtor	Birches at Schoharie, L.P.		Case number (if known)		
Name					
<b>Name of creditor and complete mailing address, including zip code</b>	<b>Name, telephone number and email address of creditor contact</b>	<b>Nature of claim (for example, trade debts, bank loans, professional services,</b>	<b>Indicate if claim is contingent, unliquidated, or disputed</b>	<b>Amount of claim</b> If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.	
				<b>Total claim, if partially secured</b>	<b>Deduction for value of collateral or setoff</b>
					<b>Unsecured claim</b>
KJW Associates, LLC PO Box 196 Pultneyville, NY 14538		<b>Business debt</b>	<b>Contingent Unliquidated Disputed</b>		\$15,029.00
Kurzon Architects 90 State Street Albany, NY 12207		<b>Business debt</b>	<b>Contingent Unliquidated Disputed</b>		\$390,000.00
Pratt Plumbing 67 Phillips Road Rensselaer, NY 12144		<b>Business debt</b>	<b>Contingent Unliquidated Disputed</b>		\$37,125.00
Proctor Painting Co. 121 Clocks Boulevard Massapequa, NY 11758		<b>Business debt</b>	<b>Contingent Unliquidated Disputed</b>		\$11,430.00
RBM Guardian Fire Protection Inc. 8 Enterprise Drive Albany, NY 12204		<b>Business debt</b>	<b>Contingent Unliquidated Disputed</b>		\$10,913.40
Rivergate Development LLC 104 Smith Avenue Kingston, NY 12401		<b>Development fees/mechanics lien bonding fees</b>	<b>Contingent Unliquidated</b>		\$6,300,000.00
Rob Kniest & Son Building LLC 460 Depot Road Duaneburg, NY 12056		<b>Business debt</b>	<b>Contingent Unliquidated Disputed</b>		\$29,868.40
Schachtler Contracting Inc. 7430 Shanley Road Deansboro, NY 13328		<b>Business debt</b>	<b>Contingent Unliquidated Disputed</b>		\$10,287.05
Schindler Elevator Corp. 35 High Street Poughkeepsie, NY 12601		<b>Business debt</b>	<b>Contingent Unliquidated Disputed</b>		\$4,700.00
Stark Industries 235 Vly Road Schenectady, NY 12302		<b>Business debt</b>	<b>Contingent Unliquidated Disputed</b>		\$2,650.50
Villnave Construction Services 883 Broadway Albany, NY 12207		<b>Business debt</b>	<b>Contingent Unliquidated Disputed</b>		\$4,537.10

Debtor <b>Birches at Schoharie, L.P.</b> Name	Case number ( <i>if known</i> ) _____					
Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
William O'Rourke Inc. 299 Upper Flat Rock Road Voorheesville, NY 12186		<b>Business debt</b>	<b>Contingent Unliquidated Disputed</b>			<b>\$10,004.40</b>

**Fill in this information to identify the case:**Debtor name **Birches at Schoharie, L.P.**United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF NEW YORK**

Case number (if known) \_\_\_\_\_

 Check if this is an amended filing**Official Form 206Sum  
Summary of Assets and Liabilities for Non-Individuals****12/15****Part 1: Summary of Assets****1. Schedule A/B: Assets-Real and Personal Property** (Official Form 206A/B)**1a. Real property:**Copy line 88 from *Schedule A/B*..... \$ **0.00****1b. Total personal property:**Copy line 91A from *Schedule A/B*..... \$ **0.00****1c. Total of all property:**Copy line 92 from *Schedule A/B*..... \$ **0.00****Part 2: Summary of Liabilities****2. Schedule D: Creditors Who Have Claims Secured by Property** (Official Form 206D)Copy the total dollar amount listed in Column A, *Amount of claim*, from line 3 of *Schedule D*..... \$ **11,790,775.88****3. Schedule E/F: Creditors Who Have Unsecured Claims** (Official Form 206E/F)**3a. Total claim amounts of priority unsecured claims:**Copy the total claims from Part 1 from line 5a of *Schedule E/F*..... \$ **0.00****3b. Total amount of claims of nonpriority amount of unsecured claims:**Copy the total of the amount of claims from Part 2 from line 5b of *Schedule E/F*..... +\$ **6,992,178.50****4. Total liabilities** .....  
Lines 2 + 3a + 3b\$ **18,782,954.38**

**Fill in this information to identify the case:**Debtor name **Birches at Schoharie, L.P.**United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF NEW YORK**

Case number (if known) \_\_\_\_\_

 Check if this is an amended filing**Official Form 206A/B****Schedule A/B: Assets - Real and Personal Property**

12/15

Disclose all property, real and personal, which the debtor owns or in which the debtor has any other legal, equitable, or future interest. Include all property in which the debtor holds rights and powers exercisable for the debtor's own benefit. Also include assets and properties which have no book value, such as fully depreciated assets or assets that were not capitalized. In Schedule A/B, list any executory contracts or unexpired leases. Also list them on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G).

Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. At the top of any pages added, write the debtor's name and case number (if known). Also identify the form and line number to which the additional information applies. If an additional sheet is attached, include the amounts from the attachment in the total for the pertinent part.

For Part 1 through Part 11, list each asset under the appropriate category or attach separate supporting schedules, such as a fixed asset schedule or depreciation schedule, that gives the details for each asset in a particular category. List each asset only once. In valuing the debtor's interest, do not deduct the value of secured claims. See the instructions to understand the terms used in this form.

**Part 1: Cash and cash equivalents**

1. Does the debtor have any cash or cash equivalents?

- No. Go to Part 2.
- Yes Fill in the information below.

**All cash or cash equivalents owned or controlled by the debtor****Current value of debtor's interest****Part 2: Deposits and Prepayments**

6. Does the debtor have any deposits or prepayments?

- No. Go to Part 3.
- Yes Fill in the information below.

**Part 3: Accounts receivable**

10. Does the debtor have any accounts receivable?

- No. Go to Part 4.
- Yes Fill in the information below.

**Part 4: Investments**

13. Does the debtor own any investments?

- No. Go to Part 5.
- Yes Fill in the information below.

**Part 5: Inventory, excluding agriculture assets**

18. Does the debtor own any inventory (excluding agriculture assets)?

- No. Go to Part 6.
- Yes Fill in the information below.

**Part 6: Farming and fishing-related assets (other than titled motor vehicles and land)**

27. Does the debtor own or lease any farming and fishing-related assets (other than titled motor vehicles and land)?

- No. Go to Part 7.

Debtor **Birches at Schoharie, L.P.**  
Name \_\_\_\_\_

Case number (*If known*) \_\_\_\_\_

Yes Fill in the information below.

**Part 7: Office furniture, fixtures, and equipment; and collectibles**

38. Does the debtor own or lease any office furniture, fixtures, equipment, or collectibles?

No. Go to Part 8.  
 Yes Fill in the information below.

**Part 8: Machinery, equipment, and vehicles**

46. Does the debtor own or lease any machinery, equipment, or vehicles?

No. Go to Part 9.  
 Yes Fill in the information below.

**Part 9: Real property**

54. Does the debtor own or lease any real property?

No. Go to Part 10.  
 Yes Fill in the information below.

55. Any building, other improved real estate, or land which the debtor owns or in which the debtor has an interest

Description and location of property <small>Include street address or other description such as Assessor Parcel Number (APN), and type of property (for example, acreage, factory, warehouse, apartment or office building, if available.)</small>	Nature and extent of debtor's interest in property	Net book value of debtor's interest (Where available)	Valuation method used for current value	Current value of debtor's interest
55.1. Senior housing project located at 192 Main Street, Schoharie, New York	Equitable interest	Unknown		Unknown

56. Total of Part 9.

Add the current value on lines 55.1 through 55.6 and entries from any additional sheets.  
Copy the total to line 88.

\$0.00

57. Is a depreciation schedule available for any of the property listed in Part 9?

No  
 Yes

58. Has any of the property listed in Part 9 been appraised by a professional within the last year?

No  
 Yes

**Part 10: Intangibles and intellectual property**

59. Does the debtor have any interests in intangibles or intellectual property?

No. Go to Part 11.  
 Yes Fill in the information below.

**Part 11: All other assets**

70. Does the debtor own any other assets that have not yet been reported on this form?

Include all interests in executory contracts and unexpired leases not previously reported on this form.

Debtor Birches at Schoharie, L.P.  
Name \_\_\_\_\_Case number (*If known*) \_\_\_\_\_

No. Go to Part 12.  
 Yes Fill in the information below.

Current value of  
debtor's interest71. **Notes receivable**  
Description (include name of obligor)72. **Tax refunds and unused net operating losses (NOLs)**  
Description (for example, federal, state, local)73. **Interests in insurance policies or annuities**74. **Causes of action against third parties (whether or not a lawsuit has been filed)**  
**Birches at Schoharie, L.P. v. Banc of America CDC Special Holding Company Inc. and Bank of America, N.A.****Unknown**

Nature of claim	<b>Breach of Contract / Fraud</b>
Amount requested	<b>\$25,000,000.00</b>

75. **Other contingent and unliquidated claims or causes of action of every nature, including counterclaims of the debtor and rights to set off claims**76. **Trusts, equitable or future interests in property**77. **Other property of any kind not already listed** Examples: Season tickets, country club membership78. **Total of Part 11.**

Add lines 71 through 77. Copy the total to line 90.

**\$0.00**79. **Has any of the property listed in Part 11 been appraised by a professional within the last year?**

No  
 Yes

Debtor Birches at Schoharie, L.P.  
Name \_\_\_\_\_Case number (*If known*) \_\_\_\_\_**Part 12: Summary****In Part 12 copy all of the totals from the earlier parts of the form**

Type of property	Current value of personal property	Current value of real property
80. <b>Cash, cash equivalents, and financial assets.</b> <i>Copy line 5, Part 1</i>	<u>\$0.00</u>	
81. <b>Deposits and prepayments.</b> <i>Copy line 9, Part 2.</i>	<u>\$0.00</u>	
82. <b>Accounts receivable.</b> <i>Copy line 12, Part 3.</i>	<u>\$0.00</u>	
83. <b>Investments.</b> <i>Copy line 17, Part 4.</i>	<u>\$0.00</u>	
84. <b>Inventory.</b> <i>Copy line 23, Part 5.</i>	<u>\$0.00</u>	
85. <b>Farming and fishing-related assets.</b> <i>Copy line 33, Part 6.</i>	<u>\$0.00</u>	
86. <b>Office furniture, fixtures, and equipment; and collectibles.</b> <i>Copy line 43, Part 7.</i>	<u>\$0.00</u>	
87. <b>Machinery, equipment, and vehicles.</b> <i>Copy line 51, Part 8.</i>	<u>\$0.00</u>	
88. <b>Real property.</b> <i>Copy line 56, Part 9.....&gt;</i>		<u>\$0.00</u>
89. <b>Intangibles and intellectual property.</b> <i>Copy line 66, Part 10.</i>	<u>\$0.00</u>	
90. <b>All other assets.</b> <i>Copy line 78, Part 11.</i>	<u>\$0.00</u>	
91. <b>Total.</b> Add lines 80 through 90 for each column	<u>\$0.00</u>	+ 91b. <u>\$0.00</u>
92. <b>Total of all property on Schedule A/B.</b> Add lines 91a+91b=92		<u>\$0.00</u>

## Fill in this information to identify the case:

Debtor name **Birches at Schoharie, L.P.**United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF NEW YORK**

Case number (if known) \_\_\_\_\_

 Check if this is an amended filing**Official Form 206D****Schedule D: Creditors Who Have Claims Secured by Property****12/15**

Be as complete and accurate as possible.

**1. Do any creditors have claims secured by debtor's property?**

No. Check this box and submit page 1 of this form to the court with debtor's other schedules. Debtor has nothing else to report on this form.

Yes. Fill in all of the information below.

**Part 1: List Creditors Who Have Secured Claims**

2. List in alphabetical order all creditors who have secured claims. If a creditor has more than one secured claim, list the creditor separately for each claim.

		<i>Column A</i> <b>Amount of claim</b>	<i>Column B</i> <b>Value of collateral that supports this claim</b>
2.1	<b>AllTek Energy Systems Inc.</b> Creditor's Name <b>58 Hudson River Road</b> <b>Waterford, NY 12188</b> Creditor's mailing address  Creditor's email address, if known  <b>Date debt was incurred</b>  <b>Last 4 digits of account number</b>	Describe debtor's property that is subject to a lien <b>Senior housing project located at 192 Main Street, Schoharie, New York</b>  <b>Describe the lien</b> <b>Mechanics Lien (lien has been bonded)</b> Is the creditor an insider or related party? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Is anyone else liable on this claim? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Fill out <i>Schedule H: Codebtors</i> (Official Form 206H)	<b>Unknown</b> <b>Unknown</b>
2.2	Do multiple creditors have an interest in the same property? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Specify each creditor, including this creditor and its relative priority. 1. <b>Bank of America, N.A.</b> 2. <b>Bank of America, N.A.</b> 3. <b>AllTek Energy Systems Inc.</b> 4. <b>American Builders &amp; Contractors Supply</b> 5. <b>B.A. Construction Services, LLC</b> 6. <b>Bervy Excavation Corp.</b> 7. <b>Best Paving &amp; Sealcoating Inc.</b> 8. <b>Blue Mountain Contractors, Inc.</b> 9. <b>Bruce Fence Co., Inc.</b> 10. <b>Core Building Materials of Albany, Inc.</b> 11. <b>Debrino C</b>	<b>As of the petition filing date, the claim is:</b> Check all that apply <input checked="" type="checkbox"/> Contingent <input checked="" type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed	<b>Unknown</b> <b>Unknown</b>

2.2 **American Builders & Contractors Supply**

Describe debtor's property that is subject to a lien

**Unknown****Unknown**

Debtor **Birches at Schoharie, L.P.**

Case number (if known) \_\_\_\_\_

Creditor's Name \_\_\_\_\_

**95 Van Guysling Avenue  
Schenectady, NY 12305**

Creditor's mailing address \_\_\_\_\_

**Senior housing project located at 192 Main  
Street, Schoharie, New York**

Creditor's email address, if known \_\_\_\_\_

**Date debt was incurred****Last 4 digits of account number****Do multiple creditors have an  
interest in the same property?** No Yes. Specify each creditor,  
including this creditor and its relative  
priority.**Specified on line 2.1****Describe the lien****Mechanics Lien (lien has been bonded)**

Is the creditor an insider or related party?

 No Yes

Is anyone else liable on this claim?

 No Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)

2.3

**B.A. Construction Services,  
LLC**

Creditor's Name \_\_\_\_\_

**1 Mill Road  
Latham, NY 12110**

Creditor's mailing address \_\_\_\_\_

Creditor's email address, if known \_\_\_\_\_

**Date debt was incurred****Last 4 digits of account number****Do multiple creditors have an  
interest in the same property?** No Yes. Specify each creditor,  
including this creditor and its relative  
priority.**Specified on line 2.1****Describe debtor's property that is subject to a lien****Senior housing project located at 192 Main  
Street, Schoharie, New York****Unknown****Unknown****Describe the lien****Mechanics Lien (lien has been bonded)**

Is the creditor an insider or related party?

 No Yes

Is anyone else liable on this claim?

 No Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)**As of the petition filing date, the claim is:**

Check all that apply

- Contingent
- Unliquidated
- Disputed

2.4

**Bank of America, N.A.**

Creditor's Name \_\_\_\_\_

**One Bryant Park, 35th  
Floor  
New York, NY 10036**

Creditor's mailing address \_\_\_\_\_

Creditor's email address, if known \_\_\_\_\_

**Date debt was incurred****Last 4 digits of account number****Describe debtor's property that is subject to a lien****Senior housing project located at 192 Main  
Street, Schoharie, New York****\$11,383,689.97****Unknown****Describe the lien****Mortgage (Building loan)**

Is the creditor an insider or related party?

 No Yes

Is anyone else liable on this claim?

 No Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)

Debtor **Birches at Schoharie, L.P.**  
Name \_\_\_\_\_

Case number (if known) \_\_\_\_\_

**Do multiple creditors have an interest in the same property?**

No  
 Yes. Specify each creditor, including this creditor and its relative priority.  
**Specified on line 2.1**

**As of the petition filing date, the claim is:**

Check all that apply  
 Contingent  
 Unliquidated  
 Disputed

**2.5 Bank of America, N.A.**

Creditor's Name \_\_\_\_\_

**One Bryant Park  
New York, NY 10036**

Creditor's mailing address \_\_\_\_\_

Creditor's email address, if known \_\_\_\_\_

Date debt was incurred \_\_\_\_\_

Last 4 digits of account number \_\_\_\_\_

**Do multiple creditors have an interest in the same property?**

No  
 Yes. Specify each creditor, including this creditor and its relative priority.  
**Specified on line 2.1**

**As of the petition filing date, the claim is:**

Check all that apply  
 Contingent  
 Unliquidated  
 Disputed

**2.6 Bervy Excavation Corp.**

Creditor's Name \_\_\_\_\_

**61 Flints Crossing Road  
Canaan, NY 12029**

Creditor's mailing address \_\_\_\_\_

Creditor's email address, if known \_\_\_\_\_

Date debt was incurred \_\_\_\_\_

Last 4 digits of account number \_\_\_\_\_

**Do multiple creditors have an interest in the same property?**

No  
 Yes. Specify each creditor, including this creditor and its relative priority.  
**Specified on line 2.1**

**Describe debtor's property that is subject to a lien****Senior housing project located at 192 Main Street, Schoharie, New York****\$407,085.91****Unknown****Describe the lien****Mechanics Lien (lien has been bonded)****Is the creditor an insider or related party?**

No  
 Yes

**Is anyone else liable on this claim?**

No  
 Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)

**Unknown****Unknown****2.7 Best Paving & Sealcoating Inc.**

Creditor's Name \_\_\_\_\_

**1349 Broadway, Building 2E  
Albany, NY 12204**

Creditor's mailing address \_\_\_\_\_

**Describe debtor's property that is subject to a lien****Senior housing project located at 192 Main Street, Schoharie, New York****Unknown****Unknown****Describe the lien****Mechanics Lien (lien has been bonded)**

Debtor **Birches at Schoharie, L.P.**  
Name

Case number (if known)

Creditor's email address, if known

**Is the creditor an insider or related party?**

No  
 Yes

**Is anyone else liable on this claim?**

No  
 Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)

Date debt was incurred

Last 4 digits of account number

Do multiple creditors have an interest in the same property?

No  
 Yes. Specify each creditor, including this creditor and its relative priority.

**Specified on line 2.1****As of the petition filing date, the claim is:**

Check all that apply

Contingent  
 Unliquidated  
 Disputed

2.8

**Blue Mountain Contractors, Inc.**

Creditor's Name

**53 Meghan Drive  
Saugerties, NY 12477**

Creditor's mailing address

Creditor's email address, if known

Date debt was incurred

Last 4 digits of account number

Do multiple creditors have an interest in the same property?

No  
 Yes. Specify each creditor, including this creditor and its relative priority.

**Specified on line 2.1**

Describe debtor's property that is subject to a lien

**Senior housing project located at 192 Main Street, Schoharie, New York****Unknown****Unknown****Describe the lien****Mechanics Lien (lien has been bonded)****Is the creditor an insider or related party?**

No  
 Yes

**Is anyone else liable on this claim?**

No  
 Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)

**As of the petition filing date, the claim is:**

Check all that apply

Contingent  
 Unliquidated  
 Disputed

2.9

**Bruce Fence Co., Inc.**

Creditor's Name

**1161 New Loudon Road  
Cohoes, NY 12047**

Creditor's mailing address

Creditor's email address, if known

Date debt was incurred

Last 4 digits of account number

Do multiple creditors have an interest in the same property?

No  
 Yes. Specify each creditor, including this creditor and its relative priority.

**Specified on line 2.1**

Describe debtor's property that is subject to a lien

**Senior housing project located at 192 Main Street, Schoharie, New York****Unknown****Unknown****Describe the lien****Mechanics Lien (lien has been bonded)****Is the creditor an insider or related party?**

No  
 Yes

**Is anyone else liable on this claim?**

No  
 Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)

**As of the petition filing date, the claim is:**

Check all that apply

Contingent  
 Unliquidated  
 Disputed

Debtor Birches at Schoharie, L.P. Case number (if known) \_\_\_\_\_

**2.1** **Core Building Materials of Albany, Inc.** Unknown Unknown

Creditor's Name

**117 Karner Road  
Albany, NY 12205**

Creditor's mailing address

Creditor's email address, if known

**Date debt was incurred****Last 4 digits of account number****Do multiple creditors have an interest in the same property?** No Yes. Specify each creditor, including this creditor and its relative priority.**Specified on line 2.1**

Describe debtor's property that is subject to a lien

**Senior housing project located at 192 Main Street, Schoharie, New York**

Describe the lien

**Mechanics Lien (lien has been bonded)**

Is the creditor an insider or related party?

 No Yes

Is anyone else liable on this claim?

 No Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)

As of the petition filing date, the claim is:

Check all that apply

- Contingent
- Unliquidated
- Disputed

**2.1** **Debrino Caulking Associates Inc.** Unknown Unknown

Creditor's Name

**1304 Route 9  
Castleton on Hudson, NY  
12033**

Creditor's mailing address

Creditor's email address, if known

**Date debt was incurred****Last 4 digits of account number****Do multiple creditors have an interest in the same property?** No Yes. Specify each creditor, including this creditor and its relative priority.**Specified on line 2.1**

Describe debtor's property that is subject to a lien

**Senior housing project located at 192 Main Street, Schoharie, New York**

Describe the lien

**Mechanics Lien (lien has been bonded)**

Is the creditor an insider or related party?

 No Yes

Is anyone else liable on this claim?

 No Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)

As of the petition filing date, the claim is:

Check all that apply

- Contingent
- Unliquidated
- Disputed

**2.1** **Hot Water Solutions, Inc.** Unknown Unknown

Creditor's Name

**31 Stone Road  
West Hurley, NY 12491**

Creditor's mailing address

Creditor's email address, if known

**Date debt was incurred**

Describe debtor's property that is subject to a lien

**Senior housing project located at 192 Main Street, Schoharie, New York**

Describe the lien

**Mechanics Lien (lien has been bonded)**

Is the creditor an insider or related party?

 No Yes

Is anyone else liable on this claim?

 No

Debtor **Birches at Schoharie, L.P.**  
Name

Case number (if known)

**Last 4 digits of account number** Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)**Do multiple creditors have an interest in the same property?**

No  
 Yes. Specify each creditor, including this creditor and its relative priority.

**Specified on line 2.1****As of the petition filing date, the claim is:**

Check all that apply

Contingent  
 Unliquidated  
 Disputed

**2.1 3 Integral Building and Design, Inc.**

Creditor's Name

**231 Main Street, Suite 103  
New Paltz, NY 12561**

Creditor's mailing address

Creditor's email address, if known

**Date debt was incurred****Last 4 digits of account number****Do multiple creditors have an interest in the same property?**

No  
 Yes. Specify each creditor, including this creditor and its relative priority.

**Specified on line 2.1****Describe debtor's property that is subject to a lien****Senior housing project located at 192 Main Street, Schoharie, New York****Unknown****Unknown****Describe the lien****Mechanics Lien (lien has been bonded)****Is the creditor an insider or related party?**

No  
 Yes

**Is anyone else liable on this claim?**

No

 Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)**As of the petition filing date, the claim is:**

Check all that apply

Contingent  
 Unliquidated  
 Disputed

**2.1 4 Meyer Contracting Corp.**

Creditor's Name

**12 Charles Street  
Pleasant Valley, NY 12569**

Creditor's mailing address

Creditor's email address, if known

**Date debt was incurred****Last 4 digits of account number****Do multiple creditors have an interest in the same property?**

No  
 Yes. Specify each creditor, including this creditor and its relative priority.

**Specified on line 2.1****Describe debtor's property that is subject to a lien****Senior housing project located at 192 Main Street, Schoharie, New York****Unknown****Unknown****Describe the lien****Mechanics Lien (lien has been bonded)****Is the creditor an insider or related party?**

No  
 Yes

**Is anyone else liable on this claim?**

No

 Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)**As of the petition filing date, the claim is:**

Check all that apply

Contingent  
 Unliquidated  
 Disputed

**2.1 5 New York State Dept. of Tax & Finance****Describe debtor's property that is subject to a lien****Unknown****Unknown**

Debtor **Birches at Schoharie, L.P.**

Case number (if known) \_\_\_\_\_

## Creditor's Name

**Civil Enforcement-CO-ATC  
W A Harriman Campus  
Albany, NY 12227**

Creditor's mailing address

**Senior housing project located at 192 Main  
Street, Schoharie, New York**

## Describe the lien

## Is the creditor an insider or related party?

 No Yes

## Is anyone else liable on this claim?

 No Yes. Fill out Schedule H: Codebtors (Official Form 206H)

Creditor's email address, if known

Date debt was incurred

Last 4 digits of account number

Do multiple creditors have an  
interest in the same property? No Yes. Specify each creditor,  
including this creditor and its relative  
priority.**Specified on line 2.1**

## As of the petition filing date, the claim is:

Check all that apply

- Contingent
- Unliquidated
- Disputed

2.1  
6**Stone Industries LLC**

Creditor's Name

**4305 Route 50  
Saratoga Springs, NY  
12866**

Creditor's mailing address

Creditor's email address, if known

Date debt was incurred

Last 4 digits of account number

Do multiple creditors have an  
interest in the same property? No Yes. Specify each creditor,  
including this creditor and its relative  
priority.**Specified on line 2.1**

Describe debtor's property that is subject to a lien

**Senior housing project located at 192 Main  
Street, Schoharie, New York****Unknown****Unknown**

## Describe the lien

**Mechanics Lien (lien has been bonded)**

## Is the creditor an insider or related party?

 No Yes

## Is anyone else liable on this claim?

 No Yes. Fill out Schedule H: Codebtors (Official Form 206H)

## As of the petition filing date, the claim is:

Check all that apply

- Contingent
- Unliquidated
- Disputed

2.1  
7**Temp-Air, Inc.**

Creditor's Name

**3700 W. Preserve  
Boulevard  
Burnsville, MN 55337**

Creditor's mailing address

Creditor's email address, if known

Date debt was incurred

Last 4 digits of account number

Describe debtor's property that is subject to a lien

**Senior housing project located at 192 Main  
Street, Schoharie, New York****Unknown****Unknown**

## Describe the lien

**Mechanics Lien (lien has been bonded)**

## Is the creditor an insider or related party?

 No Yes

## Is anyone else liable on this claim?

 No Yes. Fill out Schedule H: Codebtors (Official Form 206H)

Debtor **Birches at Schoharie, L.P.**  
Name

Case number (if known)

**Do multiple creditors have an interest in the same property?**

No  
 Yes. Specify each creditor, including this creditor and its relative priority.

**Specified on line 2.1****As of the petition filing date, the claim is:**

Check all that apply  
 Contingent  
 Unliquidated  
 Disputed

2.1  
8 **The Palombo Group Inc.**

Creditor's Name

**6030 Route 82  
Stanfordville, NY 12581**

Creditor's mailing address

Creditor's email address, if known

**Date debt was incurred****Last 4 digits of account number****Do multiple creditors have an interest in the same property?**

No  
 Yes. Specify each creditor, including this creditor and its relative priority.

**Specified on line 2.1****Describe debtor's property that is subject to a lien****Senior housing project located at 192 Main Street, Schoharie, New York****Unknown****Unknown****Describe the lien****Mechanics Lien (lien has been bonded)****Is the creditor an insider or related party?**

No  
 Yes

**Is anyone else liable on this claim?**

No  
 Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)

**As of the petition filing date, the claim is:**

Check all that apply  
 Contingent  
 Unliquidated  
 Disputed

2.1  
9 **Versatile Office and Trailer**

Creditor's Name

**527 Route 31  
Port Byron, NY 13140**

Creditor's mailing address

Creditor's email address, if known

**Date debt was incurred****Last 4 digits of account number****Do multiple creditors have an interest in the same property?**

No  
 Yes. Specify each creditor, including this creditor and its relative priority.

**Specified on line 2.1****Describe debtor's property that is subject to a lien****Senior housing project located at 192 Main Street, Schoharie, New York****Unknown****Unknown****Describe the lien****Mechanics Lien (lien has been bonded)****Is the creditor an insider or related party?**

No  
 Yes

**Is anyone else liable on this claim?**

No  
 Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)

**As of the petition filing date, the claim is:**

Check all that apply  
 Contingent  
 Unliquidated  
 Disputed

2.2  
0 **Village of Schoharie**

Creditor's Name

**PO Box 219  
Schoharie, NY 12157**

Creditor's mailing address

**Describe debtor's property that is subject to a lien****Senior housing project located at 192 Main Street, Schoharie, New York****Unknown****Unknown****Describe the lien**

Debtor **Birches at Schoharie, L.P.**  
Name

Case number (if known) \_\_\_\_\_

**Utility services dispute**

Is the creditor an insider or related party?

No  
 Yes

Is anyone else liable on this claim?

No  
 Yes. Fill out Schedule H: Codebtors (Official Form 206H)

Creditor's email address, if known \_\_\_\_\_

Date debt was incurred \_\_\_\_\_

Last 4 digits of account number \_\_\_\_\_

Do multiple creditors have an interest in the same property?

No  
 Yes. Specify each creditor, including this creditor and its relative priority.

**Specified on line 2.1**

As of the petition filing date, the claim is:

Check all that apply

Contingent  
 Unliquidated  
 Disputed

3. Total of the dollar amounts from Part 1, Column A, including the amounts from the Additional Page, if any.

\$11,790,775.  
88**Part 2: List Others to Be Notified for a Debt Already Listed in Part 1**

List in alphabetical order any others who must be notified for a debt already listed in Part 1. Examples of entities that may be listed are collection agencies, assignees of claims listed above, and attorneys for secured creditors.

If no others need to be notified for the debts listed in Part 1, do not fill out or submit this page. If additional pages are needed, copy this page.

Name and address

On which line in Part 1 did you enter the related creditor?

Last 4 digits of account number for this entity

**Alston & Bird LLP**  
90 Park Avenue  
New York, NY 10016

Line 2.4

**Holland & Knight**  
10 St. James Avenue  
Attn: James McDermott, Esq.  
Boston, MA 02116

Line 2.4

**Nixon Peabody LLP**  
437 Madison Avenue  
Attn: John Kelly, Esq.  
New York, NY 10022-7039

Line 2.4

**Wilson Elser Moskowitz Edelman & Dicker**  
18 Corporate Woods Boulevard, 3rd Floor  
Attn: Christopher Priore, Esq.  
Albany, NY 12211

Line 2.4

## Fill in this information to identify the case:

Debtor name **Birches at Schoharie, L.P.**United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF NEW YORK**

Case number (if known) \_\_\_\_\_

 Check if this is an amended filing**Official Form 206E/F****Schedule E/F: Creditors Who Have Unsecured Claims****12/15**

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY unsecured claims and Part 2 for creditors with NONPRIORITY unsecured claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on *Schedule A/B: Assets - Real and Personal Property* (Official Form 206A/B) and on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G). Number the entries in Parts 1 and 2 in the boxes on the left. If more space is needed for Part 1 or Part 2, fill out and attach the Additional Page of that Part included in this form.

**Part 1: List All Creditors with PRIORITY Unsecured Claims**

1. Do any creditors have priority unsecured claims? (See 11 U.S.C. § 507).

No. Go to Part 2.  
 Yes. Go to line 2.

**Part 2: List All Creditors with NONPRIORITY Unsecured Claims**

3. List in alphabetical order all of the creditors with nonpriority unsecured claims. If the debtor has more than 6 creditors with nonpriority unsecured claims, fill out and attach the Additional Page of Part 2.

		Amount of claim
3.1	Nonpriority creditor's name and mailing address <b>Albany Electric, Inc.</b> <b>548 State Highway 30</b> <b>Esperance, NY 12066</b>  Date(s) debt was incurred _____  Last 4 digits of account number _____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <span style="float: right;"><b>\$27,296.66</b></span> <input checked="" type="checkbox"/> Contingent <input checked="" type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed  <b>Basis for the claim: Business debt</b> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
3.2	Nonpriority creditor's name and mailing address <b>Automatic Door Doctor, Inc.</b> <b>121 N. Plains Industrial Road B</b> <b>Wallingford, CT 06492</b>  Date(s) debt was incurred _____  Last 4 digits of account number _____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <span style="float: right;"><b>\$1,928.00</b></span> <input checked="" type="checkbox"/> Contingent <input checked="" type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed  <b>Basis for the claim: Business debt</b> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
3.3	Nonpriority creditor's name and mailing address <b>Banc of America Special Holding Company</b> <b>225 Franklin Street</b> <b>Boston, MA 02110</b>  Date(s) debt was incurred _____  Last 4 digits of account number _____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <span style="float: right;"><b>Unknown</b></span> <input checked="" type="checkbox"/> Contingent <input checked="" type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed  <b>Basis for the claim: Special Limited Partner</b> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
3.4	Nonpriority creditor's name and mailing address <b>Birchez Associates, LLC</b> <b>104 Smith Avenue</b> <b>Kingston, NY 12401</b>  Date(s) debt was incurred _____  Last 4 digits of account number _____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <span style="float: right;"><b>Unknown</b></span> <input checked="" type="checkbox"/> Contingent <input checked="" type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed  <b>Basis for the claim: Development fee</b> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes

Debtor	<b>Birches at Schoharie, L.P.</b>	Case number (if known)
Name		
3.5	Nonpriority creditor's name and mailing address <b>Capital District Exterior Solutions</b> 570 Park Avenue Albany, NY 12208	As of the petition filing date, the claim is: <i>Check all that apply.</i> <b>\$1,638.35</b>
	Date(s) debt was incurred _____	<input type="checkbox"/> Contingent
	Last 4 digits of account number _____	<input type="checkbox"/> Unliquidated
		<input type="checkbox"/> Disputed
		<b>Basis for the claim: Business debt</b>
		Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
3.6	Nonpriority creditor's name and mailing address <b>CR Drywall Company, Inc.</b> 11 Drywall Lane, #3 Voorheesville, NY 12186	As of the petition filing date, the claim is: <i>Check all that apply.</i> <b>\$53,872.78</b>
	Date(s) debt was incurred _____	<input type="checkbox"/> Contingent
	Last 4 digits of account number _____	<input type="checkbox"/> Unliquidated
		<input type="checkbox"/> Disputed
		<b>Basis for the claim: Business debt</b>
		Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
3.7	Nonpriority creditor's name and mailing address <b>Dave McArthur</b>	As of the petition filing date, the claim is: <i>Check all that apply.</i> <b>\$3,566.60</b>
	Date(s) debt was incurred _____	<input type="checkbox"/> Contingent
	Last 4 digits of account number _____	<input type="checkbox"/> Unliquidated
		<input type="checkbox"/> Disputed
		<b>Basis for the claim: Business debt</b>
		Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
3.8	Nonpriority creditor's name and mailing address <b>DW Stinson &amp; Sons</b> 124 Main Street PO Box 44 Schoharie, NY 12157	As of the petition filing date, the claim is: <i>Check all that apply.</i> <b>\$666.67</b>
	Date(s) debt was incurred _____	<input type="checkbox"/> Contingent
	Last 4 digits of account number _____	<input type="checkbox"/> Unliquidated
		<input type="checkbox"/> Disputed
		<b>Basis for the claim: Business debt</b>
		Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
3.9	Nonpriority creditor's name and mailing address <b>Eastern View Landscaping</b> 11 Huber Road Wappingers Falls, NY 12590	As of the petition filing date, the claim is: <i>Check all that apply.</i> <b>\$277.32</b>
	Date(s) debt was incurred _____	<input type="checkbox"/> Contingent
	Last 4 digits of account number _____	<input type="checkbox"/> Unliquidated
		<input type="checkbox"/> Disputed
		<b>Basis for the claim: Business debt</b>
		Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
3.10	Nonpriority creditor's name and mailing address <b>Fuzzy Side Up</b> 11 Running Water Court Medford, NJ 08055	As of the petition filing date, the claim is: <i>Check all that apply.</i> <b>\$754.75</b>
	Date(s) debt was incurred _____	<input type="checkbox"/> Contingent
	Last 4 digits of account number _____	<input type="checkbox"/> Unliquidated
		<input type="checkbox"/> Disputed
		<b>Basis for the claim: Business debt</b>
		Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
3.11	Nonpriority creditor's name and mailing address <b>Interior Craftsman, Inc.</b> 1 Sasev Court, #002 Monroe, NY 10950	As of the petition filing date, the claim is: <i>Check all that apply.</i> <b>\$40,610.05</b>
	Date(s) debt was incurred _____	<input type="checkbox"/> Contingent
	Last 4 digits of account number _____	<input type="checkbox"/> Unliquidated
		<input type="checkbox"/> Disputed
		<b>Basis for the claim: Business debt</b>
		Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes

Debtor	<b>Birches at Schoharie, L.P.</b>	Case number (if known)	
Name			
3.12	<p>Nonpriority creditor's name and mailing address  <b>Jersey Montana Corp.</b>  <b>104 Smith Avenue</b>  <b>Kingston, NY 12401</b></p> <p>Date(s) debt was incurred _____</p> <p>Last 4 digits of account number _____</p>	<p>As of the petition filing date, the claim is: Check all that apply.</p> <p><input type="checkbox"/> Contingent</p> <p><input type="checkbox"/> Unliquidated</p> <p><input type="checkbox"/> Disputed</p> <p>Basis for the claim: <b>Business debt (legal fees)</b></p> <p>Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>	<b>\$20,000.00</b>
3.13	<p>Nonpriority creditor's name and mailing address  <b>JJP Slipforming, Inc.</b>  <b>145 Wells Avenue</b>  <b>Middleburgh, NY 12122</b></p> <p>Date(s) debt was incurred _____</p> <p>Last 4 digits of account number _____</p>	<p>As of the petition filing date, the claim is: Check all that apply.</p> <p><input checked="" type="checkbox"/> Contingent</p> <p><input checked="" type="checkbox"/> Unliquidated</p> <p><input checked="" type="checkbox"/> Disputed</p> <p>Basis for the claim: <b>Business debt</b></p> <p>Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>	<b>\$11,460.67</b>
3.14	<p>Nonpriority creditor's name and mailing address  <b>Juan Joel Gopar</b>  <b>18 West Street</b>  <b>Wappingers Falls, NY 12590</b></p> <p>Date(s) debt was incurred _____</p> <p>Last 4 digits of account number _____</p>	<p>As of the petition filing date, the claim is: Check all that apply.</p> <p><input checked="" type="checkbox"/> Contingent</p> <p><input checked="" type="checkbox"/> Unliquidated</p> <p><input checked="" type="checkbox"/> Disputed</p> <p>Basis for the claim: <b>Business debt</b></p> <p>Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>	<b>\$2,111.80</b>
3.15	<p>Nonpriority creditor's name and mailing address  <b>KJW Associates, LLC</b>  <b>PO Box 196</b>  <b>Pultneyville, NY 14538</b></p> <p>Date(s) debt was incurred _____</p> <p>Last 4 digits of account number _____</p>	<p>As of the petition filing date, the claim is: Check all that apply.</p> <p><input checked="" type="checkbox"/> Contingent</p> <p><input checked="" type="checkbox"/> Unliquidated</p> <p><input checked="" type="checkbox"/> Disputed</p> <p>Basis for the claim: <b>Business debt</b></p> <p>Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>	<b>\$15,029.00</b>
3.16	<p>Nonpriority creditor's name and mailing address  <b>Kurzon Architects</b>  <b>90 State Street</b>  <b>Albany, NY 12207</b></p> <p>Date(s) debt was incurred _____</p> <p>Last 4 digits of account number _____</p>	<p>As of the petition filing date, the claim is: Check all that apply.</p> <p><input checked="" type="checkbox"/> Contingent</p> <p><input checked="" type="checkbox"/> Unliquidated</p> <p><input checked="" type="checkbox"/> Disputed</p> <p>Basis for the claim: <b>Business debt</b></p> <p>Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>	<b>\$390,000.00</b>
3.17	<p>Nonpriority creditor's name and mailing address  <b>Pratt Plumbing</b>  <b>67 Phillips Road</b>  <b>Rensselaer, NY 12144</b></p> <p>Date(s) debt was incurred _____</p> <p>Last 4 digits of account number _____</p>	<p>As of the petition filing date, the claim is: Check all that apply.</p> <p><input checked="" type="checkbox"/> Contingent</p> <p><input checked="" type="checkbox"/> Unliquidated</p> <p><input checked="" type="checkbox"/> Disputed</p> <p>Basis for the claim: <b>Business debt</b></p> <p>Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>	<b>\$37,125.00</b>
3.18	<p>Nonpriority creditor's name and mailing address  <b>Proctor Painting Co.</b>  <b>121 Clocks Boulevard</b>  <b>Massapequa, NY 11758</b></p> <p>Date(s) debt was incurred _____</p> <p>Last 4 digits of account number _____</p>	<p>As of the petition filing date, the claim is: Check all that apply.</p> <p><input checked="" type="checkbox"/> Contingent</p> <p><input checked="" type="checkbox"/> Unliquidated</p> <p><input checked="" type="checkbox"/> Disputed</p> <p>Basis for the claim: <b>Business debt</b></p> <p>Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>	<b>\$11,430.00</b>

Debtor	<b>Birches at Schoharie, L.P.</b>	Case number (if known)	
Name			
3.19	<p>Nonpriority creditor's name and mailing address  <b>RBM Guardian Fire Protection Inc.</b>  <b>8 Enterprise Drive</b>  <b>Albany, NY 12204</b></p> <p>Date(s) debt was incurred _____</p> <p>Last 4 digits of account number _____</p>	<p>As of the petition filing date, the claim is: Check all that apply.</p> <p><input type="checkbox"/> Contingent</p> <p><input type="checkbox"/> Unliquidated</p> <p><input type="checkbox"/> Disputed</p> <p>Basis for the claim: <b>Business debt</b></p> <p>Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>	\$10,913.40
3.20	<p>Nonpriority creditor's name and mailing address  <b>Rivergate Development LLC</b>  <b>104 Smith Avenue</b>  <b>Kingston, NY 12401</b></p> <p>Date(s) debt was incurred _____</p> <p>Last 4 digits of account number _____</p>	<p>As of the petition filing date, the claim is: Check all that apply.</p> <p><input type="checkbox"/> Contingent</p> <p><input type="checkbox"/> Unliquidated</p> <p><input type="checkbox"/> Disputed</p> <p>Basis for the claim: <b>Development fees/mechanics lien bonding fees</b></p> <p>Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>	\$6,300,000.00
3.21	<p>Nonpriority creditor's name and mailing address  <b>Rob Kniest &amp; Son Building LLC</b>  <b>460 Depot Road</b>  <b>Duanesburg, NY 12056</b></p> <p>Date(s) debt was incurred _____</p> <p>Last 4 digits of account number _____</p>	<p>As of the petition filing date, the claim is: Check all that apply.</p> <p><input type="checkbox"/> Contingent</p> <p><input type="checkbox"/> Unliquidated</p> <p><input type="checkbox"/> Disputed</p> <p>Basis for the claim: <b>Business debt</b></p> <p>Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>	\$29,868.40
3.22	<p>Nonpriority creditor's name and mailing address  <b>Schachtler Contracting Inc.</b>  <b>7430 Shanley Road</b>  <b>Deansboro, NY 13328</b></p> <p>Date(s) debt was incurred _____</p> <p>Last 4 digits of account number _____</p>	<p>As of the petition filing date, the claim is: Check all that apply.</p> <p><input type="checkbox"/> Contingent</p> <p><input type="checkbox"/> Unliquidated</p> <p><input type="checkbox"/> Disputed</p> <p>Basis for the claim: <b>Business debt</b></p> <p>Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>	\$10,287.05
3.23	<p>Nonpriority creditor's name and mailing address  <b>Schindler Elevator Corp.</b>  <b>35 High Street</b>  <b>Poughkeepsie, NY 12601</b></p> <p>Date(s) debt was incurred _____</p> <p>Last 4 digits of account number _____</p>	<p>As of the petition filing date, the claim is: Check all that apply.</p> <p><input type="checkbox"/> Contingent</p> <p><input type="checkbox"/> Unliquidated</p> <p><input type="checkbox"/> Disputed</p> <p>Basis for the claim: <b>Business debt</b></p> <p>Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>	\$4,700.00
3.24	<p>Nonpriority creditor's name and mailing address  <b>Stark Industries</b>  <b>235 Vly Road</b>  <b>Schenectady, NY 12302</b></p> <p>Date(s) debt was incurred _____</p> <p>Last 4 digits of account number _____</p>	<p>As of the petition filing date, the claim is: Check all that apply.</p> <p><input type="checkbox"/> Contingent</p> <p><input type="checkbox"/> Unliquidated</p> <p><input type="checkbox"/> Disputed</p> <p>Basis for the claim: <b>Business debt</b></p> <p>Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>	\$2,650.50
3.25	<p>Nonpriority creditor's name and mailing address  <b>TQ Construction Inc.</b>  <b>151 Sprout Road</b>  <b>Valley Falls, NY 12185</b></p> <p>Date(s) debt was incurred _____</p> <p>Last 4 digits of account number _____</p>	<p>As of the petition filing date, the claim is: Check all that apply.</p> <p><input type="checkbox"/> Contingent</p> <p><input type="checkbox"/> Unliquidated</p> <p><input type="checkbox"/> Disputed</p> <p>Basis for the claim: <b>Business debt</b></p> <p>Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>	\$1,450.00

Debtor	<b>Birches at Schoharie, L.P.</b>	Case number (if known)
Name		
3.26	Nonpriority creditor's name and mailing address <b>Villnave Construction Services</b> 883 Broadway Albany, NY 12207	As of the petition filing date, the claim is: <i>Check all that apply.</i> <b>\$4,537.10</b>
	<input type="checkbox"/> Contingent	
	<input type="checkbox"/> Unliquidated	
	<input type="checkbox"/> Disputed	
	Date(s) debt was incurred _____	<b>Basis for the claim: Business debt</b>
	Last 4 digits of account number _____	Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
3.27	Nonpriority creditor's name and mailing address <b>William O'Rourke Inc.</b> 299 Upper Flat Rock Road Voorheesville, NY 12186	As of the petition filing date, the claim is: <i>Check all that apply.</i> <b>\$10,004.40</b>
	<input type="checkbox"/> Contingent	
	<input type="checkbox"/> Unliquidated	
	<input type="checkbox"/> Disputed	
	Date(s) debt was incurred _____	<b>Basis for the claim: Business debt</b>
	Last 4 digits of account number _____	Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes

**Part 3: List Others to Be Notified About Unsecured Claims**

4. List in alphabetical order any others who must be notified for claims listed in Parts 1 and 2. Examples of entities that may be listed are collection agencies, assignees of claims listed above, and attorneys for unsecured creditors.

If no others need to be notified for the debts listed in Parts 1 and 2, do not fill out or submit this page. If additional pages are needed, copy the next page.

Name and mailing address

On which line in Part 1 or Part 2 is the related creditor (if any) listed?

Last 4 digits of account number, if any

**Part 4: Total Amounts of the Priority and Nonpriority Unsecured Claims**

5. Add the amounts of priority and nonpriority unsecured claims.

5a. Total claims from Part 1  
5b. Total claims from Part 2

5c. Total of Parts 1 and 2  
Lines 5a + 5b = 5c.

Total of claim amounts		
5a.	\$	<b>0.00</b>
5b.	+	\$ <b>6,992,178.50</b>
5c.	\$	<b>6,992,178.50</b>

**Fill in this information to identify the case:**Debtor name **Birches at Schoharie, L.P.**United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF NEW YORK**

Case number (if known) \_\_\_\_\_

 Check if this is an amended filing**Official Form 206G****Schedule G: Executory Contracts and Unexpired Leases****12/15**

Be as complete and accurate as possible. If more space is needed, copy and attach the additional page, number the entries consecutively.

## 1. Does the debtor have any executory contracts or unexpired leases?

 No. Check this box and file this form with the debtor's other schedules. There is nothing else to report on this form. Yes. Fill in all of the information below even if the contacts of leases are listed on *Schedule A/B: Assets - Real and Personal Property* (Official Form 206A/B).**2. List all contracts and unexpired leases****State the name and mailing address for all other parties with whom the debtor has an executory contract or unexpired lease**

2.1. State what the contract or lease is for and the nature of the debtor's interest

**Development Agreement for the senior housing project located at 192 Main Street, Schoharie, New York**

State the term remaining \_\_\_\_\_

**Birchez Associates, LLC  
104 Smith Avenue  
Kingston, NY 12401**

List the contract number of any government contract \_\_\_\_\_

2.2. State what the contract or lease is for and the nature of the debtor's interest

**Housing management contract for project located at 192 Main Street, Schoharie, New York; Annual, automatic renewal contract**

State the term remaining \_\_\_\_\_

**Rondout Properties Ltd.  
104 Smith Avenue  
Kingston, NY 12401**

List the contract number of any government contract \_\_\_\_\_

2.3. State what the contract or lease is for and the nature of the debtor's interest

**Declaration of Interest and Nominee Agreement (Names debtor holder of the beneficial and equitable interest in the project; Schoharie Senior Housing Development Fund Corporation legal title owner of project/property)**

State the term remaining \_\_\_\_\_

**Schoharie Senior Housing Development Fund Corporation  
c/o Birchez Assoc.; 104 Smith Ave.  
Kingston, NY 12401**

List the contract number of any government contract \_\_\_\_\_

Debtor 1 **Birches at Schoharie, L.P.**

First Name

Middle Name

Last Name

Case number (*if known*) \_\_\_\_\_**Additional Page if You Have More Contracts or Leases****2. List all contracts and unexpired leases**

State the name and mailing address for all other parties with whom the debtor has an executory contract or unexpired lease

## Fill in this information to identify the case:

Debtor name **Birches at Schoharie, L.P.**United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF NEW YORK**

Case number (if known) \_\_\_\_\_

 Check if this is an amended filing**Official Form 206H**  
**Schedule H: Your Codebtors**

12/15

Be as complete and accurate as possible. If more space is needed, copy the Additional Page, numbering the entries consecutively. Attach the Additional Page to this page.

**1. Do you have any codebtors?**

No. Check this box and submit this form to the court with the debtor's other schedules. Nothing else needs to be reported on this form.  
 Yes

**2. In Column 1, list as codebtors all of the people or entities who are also liable for any debts listed by the debtor in the schedules of creditors, Schedules D-G.** Include all guarantors and co-obligors. In Column 2, identify the creditor to whom the debt is owed and each schedule on which the creditor is listed. If the codebtor is liable on a debt to more than one creditor, list each creditor separately in Column 2.

*Column 1: Codebtor**Column 2: Creditor*

	Name	Mailing Address	Name	Check all schedules that apply:
2.1	<b>Schoharie Senior Housing Devt Fund Corp</b>	<b>104 Smith Avenue Kingston, NY 12401</b>	<b>Miscellaneous creditors</b>	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
2.2	<b>Schoharie Senior Housing Devt. Fund Corp</b>	<b>104 Smith Avenue Kingston, NY 12401</b>	<b>Bank of America, N.A.</b>	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
2.3	<b>Steven Aaron</b>	<b>104 Smith Avenue Kingston, NY 12401</b>	<b>Miscellaneous creditors</b>	<input type="checkbox"/> D _____ <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____

**Fill in this information to identify the case:**

Debtor name **Birches at Schoharie, L.P.**

United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF NEW YORK**

Case number (if known) \_\_\_\_\_

Check if this is an amended filing

## Official Form 207

### Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy

04/19

The debtor must answer every question. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known).

#### Part 1: Income

##### 1. Gross revenue from business

None.

Identify the beginning and ending dates of the debtor's fiscal year, which may be a calendar year

**Sources of revenue**  
Check all that apply

**Gross revenue**  
(before deductions and exclusions)

##### 2. Non-business revenue

Include revenue regardless of whether that revenue is taxable. *Non-business income* may include interest, dividends, money collected from lawsuits, and royalties. List each source and the gross revenue for each separately. Do not include revenue listed in line 1.

None.

**Description of sources of revenue**

**Gross revenue from each source**  
(before deductions and exclusions)

#### Part 2: List Certain Transfers Made Before Filing for Bankruptcy

##### 3. Certain payments or transfers to creditors within 90 days before filing this case

List payments or transfers--including expense reimbursements--to any creditor, other than regular employee compensation, within 90 days before filing this case unless the aggregate value of all property transferred to that creditor is less than \$6,825. (This amount may be adjusted on 4/01/22 and every 3 years after that with respect to cases filed on or after the date of adjustment.)

None.

**Creditor's Name and Address**

**Dates**

**Total amount of value**

**Reasons for payment or transfer**  
Check all that apply

##### 4. Payments or other transfers of property made within 1 year before filing this case that benefited any insider

List payments or transfers, including expense reimbursements, made within 1 year before filing this case on debts owed to an insider or guaranteed or cosigned by an insider unless the aggregate value of all property transferred to or for the benefit of the insider is less than \$6,825. (This amount may be adjusted on 4/01/22 and every 3 years after that with respect to cases filed on or after the date of adjustment.) Do not include any payments listed in line 3. *Insiders* include officers, directors, and anyone in control of a corporate debtor and their relatives; general partners of a partnership debtor and their relatives; affiliates of the debtor and insiders of such affiliates; and any managing agent of the debtor. 11 U.S.C. § 101(31).

None.

**Insider's name and address**  
Relationship to debtor

**Dates**

**Total amount of value**

**Reasons for payment or transfer**

##### 5. Repossessions, foreclosures, and returns

List all property of the debtor that was obtained by a creditor within 1 year before filing this case, including property repossessed by a creditor, sold at a foreclosure sale, transferred by a deed in lieu of foreclosure, or returned to the seller. Do not include property listed in line 6.

Debtor **Birches at Schoharie, L.P.**

Case number (if known)

 None**Creditor's name and address****Describe of the Property****Date****Value of property****6. Setoffs**

List any creditor, including a bank or financial institution, that within 90 days before filing this case set off or otherwise took anything from an account of the debtor without permission or refused to make a payment at the debtor's direction from an account of the debtor because the debtor owed a debt.

 None**Creditor's name and address****Description of the action creditor took****Date action was taken****Amount****Part 3: Legal Actions or Assignments****7. Legal actions, administrative proceedings, court actions, executions, attachments, or governmental audits**

List the legal actions, proceedings, investigations, arbitrations, mediations, and audits by federal or state agencies in which the debtor was involved in any capacity—within 1 year before filing this case.

 None.

<b>Case title Case number</b>	<b>Nature of case</b>	<b>Court or agency's name and address</b>	<b>Status of case</b>
7.1. <b>Bank of America, N.A. v. Birches at Schoharie, L.P. Index No. 2017-354</b>	<b>Foreclosure proceeding</b>	<b>Schoharie County Supreme Court</b>	<input checked="" type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded
7.2. <b>Birches at Schoharie, LP, et al v. Banc of America CDC Special Holding Company, Inc. and Bank of America, NA</b>	<b>Fraud and Breach of Contract claims</b>	<b>Ulster County Supreme Court 285 Wall Street Kingston, NY 12401</b>	<input checked="" type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded

**8. Assignments and receivership**

List any property in the hands of an assignee for the benefit of creditors during the 120 days before filing this case and any property in the hands of a receiver, custodian, or other court-appointed officer within 1 year before filing this case.

 None**Custodian's name and Address****Bank of America, N.A.****Describe the property****192 Main Street, Schoharie, New York  
(Senior housing project)****Value****Unknown****Case title****Bank of America v. Birches at Schoharie****Court name and address****Case number****2017-354****Schoharie County****Date of order or assignment****11/28/2018****Supreme****Part 4: Certain Gifts and Charitable Contributions****9. List all gifts or charitable contributions the debtor gave to a recipient within 2 years before filing this case unless the aggregate value of the gifts to that recipient is less than \$1,000** None**Recipient's name and address****Description of the gifts or contributions****Dates given****Value**

Debtor **Birches at Schoharie, L.P.**

Case number (if known) \_\_\_\_\_

**Part 5: Certain Losses****10. All losses from fire, theft, or other casualty within 1 year before filing this case.** None

Description of the property lost and how the loss occurred	Amount of payments received for the loss	Dates of loss	Value of property lost
	<p>If you have received payments to cover the loss, for example, from insurance, government compensation, or tort liability, list the total received.</p> <p>List unpaid claims on Official Form 106A/B (Schedule A/B: Assets – Real and Personal Property).</p>		

**Part 6: Certain Payments or Transfers****11. Payments related to bankruptcy**

List any payments of money or other transfers of property made by the debtor or person acting on behalf of the debtor within 1 year before the filing of this case to another person or entity, including attorneys, that the debtor consulted about debt consolidation or restructuring, seeking bankruptcy relief, or filing a bankruptcy case.

 None.

Who was paid or who received the transfer? Address	If not money, describe any property transferred	Dates	Total amount or value
11.1. Genova & Malin 1136 Route 9 Wappingers Falls, NY 12590	Attorneys' Fees	September 11, 2019	\$18,283.00

Email or website address \_\_\_\_\_

Who made the payment, if not debtor?  
Jersey Montana Corp.**12. Self-settled trusts of which the debtor is a beneficiary**

List any payments or transfers of property made by the debtor or a person acting on behalf of the debtor within 10 years before the filing of this case to a self-settled trust or similar device.

Do not include transfers already listed on this statement.

 None.

Name of trust or device	Describe any property transferred	Dates transfers were made	Total amount or value

**13. Transfers not already listed on this statement**

List any transfers of money or other property by sale, trade, or any other means made by the debtor or a person acting on behalf of the debtor within 2 years before the filing of this case to another person, other than property transferred in the ordinary course of business or financial affairs. Include both outright transfers and transfers made as security. Do not include gifts or transfers previously listed on this statement.

 None.

Who received transfer? Address	Description of property transferred or payments received or debts paid in exchange	Date transfer was made	Total amount or value

**Part 7: Previous Locations****14. Previous addresses**

List all previous addresses used by the debtor within 3 years before filing this case and the dates the addresses were used.

 Does not apply

**Address****Dates of occupancy  
From-To****Part 8: Health Care Bankruptcies****15. Health Care bankruptcies**

Is the debtor primarily engaged in offering services and facilities for:

- diagnosing or treating injury, deformity, or disease, or
- providing any surgical, psychiatric, drug treatment, or obstetric care?

No. Go to Part 9.  
 Yes. Fill in the information below.

**Facility name and address****Nature of the business operation, including type of services  
the debtor provides****If debtor provides meals  
and housing, number of  
patients in debtor's care****Part 9: Personally Identifiable Information****16. Does the debtor collect and retain personally identifiable information of customers?**

No.  
 Yes. State the nature of the information collected and retained.

**17. Within 6 years before filing this case, have any employees of the debtor been participants in any ERISA, 401(k), 403(b), or other pension or profit-sharing plan made available by the debtor as an employee benefit?**

No. Go to Part 10.  
 Yes. Does the debtor serve as plan administrator?

**Part 10: Certain Financial Accounts, Safe Deposit Boxes, and Storage Units****18. Closed financial accounts**

Within 1 year before filing this case, were any financial accounts or instruments held in the debtor's name, or for the debtor's benefit, closed, sold, moved, or transferred?

Include checking, savings, money market, or other financial accounts; certificates of deposit; and shares in banks, credit unions, brokerage houses, cooperatives, associations, and other financial institutions.

None

Financial Institution name and Address	Last 4 digits of account number	Type of account or instrument	Date account was closed, sold, moved, or transferred	Last balance before closing or transfer

**19. Safe deposit boxes**

List any safe deposit box or other depository for securities, cash, or other valuables the debtor now has or did have within 1 year before filing this case.

None

Depository institution name and address	Names of anyone with access to it Address	Description of the contents	Do you still have it?

**20. Off-premises storage**

List any property kept in storage units or warehouses within 1 year before filing this case. Do not include facilities that are in a part of a building in which the debtor does business.

None

Facility name and address	Names of anyone with access to it	Description of the contents	Do you still have it?

**Part 11: Property the Debtor Holds or Controls That the Debtor Does Not Own****21. Property held for another**

List any property that the debtor holds or controls that another entity owns. Include any property borrowed from, being stored for, or held in trust. Do not list leased or rented property.

None

**Part 12: Details About Environment Information**

For the purpose of Part 12, the following definitions apply:

*Environmental law* means any statute or governmental regulation that concerns pollution, contamination, or hazardous material, regardless of the medium affected (air, land, water, or any other medium).

*Site* means any location, facility, or property, including disposal sites, that the debtor now owns, operates, or utilizes or that the debtor formerly owned, operated, or utilized.

*Hazardous material* means anything that an environmental law defines as hazardous or toxic, or describes as a pollutant, contaminant, or a similarly harmful substance.

**Report all notices, releases, and proceedings known, regardless of when they occurred.**

**22. Has the debtor been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders.**

No.  
 Yes. Provide details below.

Case title Case number	Court or agency name and address	Nature of the case	Status of case
---------------------------	-------------------------------------	--------------------	----------------

**23. Has any governmental unit otherwise notified the debtor that the debtor may be liable or potentially liable under or in violation of an environmental law?**

No.  
 Yes. Provide details below.

Site name and address	Governmental unit name and address	Environmental law, if known	Date of notice
-----------------------	---------------------------------------	-----------------------------	----------------

**24. Has the debtor notified any governmental unit of any release of hazardous material?**

No.  
 Yes. Provide details below.

Site name and address	Governmental unit name and address	Environmental law, if known	Date of notice
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**Part 13: Details About the Debtor's Business or Connections to Any Business****25. Other businesses in which the debtor has or has had an interest**

List any business for which the debtor was an owner, partner, member, or otherwise a person in control within 6 years before filing this case. Include this information even if already listed in the Schedules.

None

Business name address	Describe the nature of the business	Employer Identification number Do not include Social Security number or ITIN.	Dates business existed
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**26. Books, records, and financial statements**

26a. List all accountants and bookkeepers who maintained the debtor's books and records within 2 years before filing this case.

None

Name and address	Date of service From-To
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Debtor **Birches at Schoharie, L.P.**

Case number (if known)

**Name and address****Date of service  
From-To**

26a.1. **Stuart Koch**  
**Koch Group & Co., LLP**  
**333 Seventh Avenue, Floor 8**  
**New York, NY 10001-5118**

**2014 - 2017**

26b. List all firms or individuals who have audited, compiled, or reviewed debtor's books of account and records or prepared a financial statement within 2 years before filing this case.

None

26c. List all firms or individuals who were in possession of the debtor's books of account and records when this case is filed.

None

**Name and address****If any books of account and records are  
unavailable, explain why**

26d. List all financial institutions, creditors, and other parties, including mercantile and trade agencies, to whom the debtor issued a financial statement within 2 years before filing this case.

None

**Name and address****27. Inventories**

Have any inventories of the debtor's property been taken within 2 years before filing this case?

No

Yes. Give the details about the two most recent inventories.

Name of the person who supervised the taking of the inventory	Date of inventory	The dollar amount and basis (cost, market, or other basis) of each inventory
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28. List the debtor's officers, directors, managing members, general partners, members in control, controlling shareholders, or other people in control of the debtor at the time of the filing of this case.

Name	Address	Position and nature of any interest	% of interest, if any
Schoharie Senior General Partner LLC	104 Smith Avenue Kingston, NY 12401	Managing General Partner	.005%
Schoharie Housing Corporation		Co-General Partner	.005%
Bank of America, N.A.	One Bryant Park, 35th Floor New York, NY 10036	Investor Limited Partner	99.99%
Banc of America Special Holding Company	225 Franklin Street Boston, MA 02110	Special Limited Partner	0%

29. Within 1 year before the filing of this case, did the debtor have officers, directors, managing members, general partners, members in control of the debtor, or shareholders in control of the debtor who no longer hold these positions?

Debtor Birches at Schoharie, L.P.

Case number (if known) \_\_\_\_\_

No  
 Yes. Identify below.

**30. Payments, distributions, or withdrawals credited or given to insiders**

Within 1 year before filing this case, did the debtor provide an insider with value in any form, including salary, other compensation, draws, bonuses, loans, credits on loans, stock redemptions, and options exercised?

No  
 Yes. Identify below.

Name and address of recipient	Amount of money or description and value of property	Dates	Reason for providing the value
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**31. Within 6 years before filing this case, has the debtor been a member of any consolidated group for tax purposes?**

No  
 Yes. Identify below.

Name of the parent corporation	Employer Identification number of the parent corporation
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**32. Within 6 years before filing this case, has the debtor as an employer been responsible for contributing to a pension fund?**

No  
 Yes. Identify below.

Name of the pension fund	Employer Identification number of the parent corporation
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**Part 14: Signature and Declaration**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both.  
 18 U.S.C. §§ 152, 1341, 1519, and 3571.

I have examined the information in this *Statement of Financial Affairs* and any attachments and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 12, 2019

/s/ Stephen Fell

Signature of individual signing on behalf of the debtor

Stephen Fell

Printed name

Position or relationship to debtor Authorized Signer

Are additional pages to *Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy* (Official Form 207) attached?

No  
 Yes

**United States Bankruptcy Court**  
**Southern District of New York**

In re Birches at Schoharie, L.P.

Debtor(s)

Case No.

Chapter 11

**VERIFICATION OF CREDITOR MATRIX**

I, the Authorized Signer of the partnership named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: September 12, 2019

/s/ Stephen Fell

**Stephen Fell/Authorized Signer**  
Signer>Title

ALBANY ELECTRIC, INC.  
548 STATE HIGHWAY 30  
ESPERANCE, NY 12066

ALLTEK ENERGY SYSTEMS INC.  
58 HUDSON RIVER ROAD  
WATERFORD, NY 12188

ALSTON & BIRD LLP  
90 PARK AVENUE  
NEW YORK, NY 10016

AMERICAN BUILDERS & CONTRACTORS SUPPLY  
95 VAN GUYSLING AVENUE  
SCHEECTADY, NY 12305

AUTOMATIC DOOR DOCTOR, INC.  
121 N. PLAINS INDUSTRIAL ROAD B  
WALLINGFORD, CT 06492

B.A. CONSTRUCTION SERVICES, LLC  
1 MILL ROAD  
LATHAM, NY 12110

BANC OF AMERICA SPECIAL HOLDING COMPANY  
225 FRANKLIN STREET  
BOSTON, MA 02110

BANK OF AMERICA, N.A.  
ONE BRYANT PARK, 35TH FLOOR  
NEW YORK, NY 10036

BANK OF AMERICA, N.A.  
ONE BRYANT PARK  
NEW YORK, NY 10036

BERVY EXCAVATION CORP.  
61 FLINTS CROSSING ROAD  
CANAAN, NY 12029

BEST PAVING & SEALCOATING INC.  
1349 BROADWAY, BUILDING 2E  
ALBANY, NY 12204

BIRCHEZ ASSOCIATES, LLC  
104 SMITH AVENUE  
KINGSTON, NY 12401

BLUE MOUNTAIN CONTRACTORS, INC.  
53 MEGHAN DRIVE  
SAUGERTIES, NY 12477

BRUCE FENCE CO., INC.  
1161 NEW LOUDON ROAD  
COHOES, NY 12047

CAPITAL DISTRICT EXTERIOR SOLUTIONS  
570 PARK AVENUE  
ALBANY, NY 12208

CORE BUILDING MATERIALS OF ALBANY, INC.  
117 KARNER ROAD  
ALBANY, NY 12205

CR DRYWALL COMPANY, INC.  
11 DRYWALL LANE, #3  
VOORHEESVILLE, NY 12186

DAVE MCARTHUR

DEBRINO CAULKING ASSOCIATES INC.  
1304 ROUTE 9  
CASTLETON ON HUDSON, NY 12033

DW STINSON & SONS  
124 MAIN STREET  
PO BOX 44  
SCHOHARIE, NY 12157

EASTERN VIEW LANDSCAPING  
11 HUBER ROAD  
WAPPINGERS FALLS, NY 12590

FUZZY SIDE UP  
11 RUNNING WATER COURT  
MEDFORD, NJ 08055

HOLLAND & KNIGHT  
10 ST. JAMES AVENUE  
ATTN: JAMES McDERMOTT, ESQ.  
BOSTON, MA 02116

HOT WATER SOLUTIONS, INC.  
31 STONE ROAD  
WEST HURLEY, NY 12491

INTEGRAL BUILDING AND DESIGN, INC.  
231 MAIN STREET, SUITE 103  
NEW PALTZ, NY 12561

INTERIOR CRAFTSMAN, INC.  
1 SASEV COURT, #002  
MONROE, NY 10950

JERSEY MONTANA CORP.  
104 SMITH AVENUE  
KINGSTON, NY 12401

JJP SLIPFORMING, INC.  
145 WELLS AVENUE  
MIDDLEBURGH, NY 12122

JUAN JOEL GOPAR  
18 WEST STREET  
WAPPINGERS FALLS, NY 12590

KJW ASSOCIATES, LLC  
PO BOX 196  
PULTNEYVILLE, NY 14538

KURZON ARCHITECTS  
90 STATE STREET  
ALBANY, NY 12207

MEYER CONTRACTING CORP.  
12 CHARLES STREET  
PLEASANT VALLEY, NY 12569

NEW YORK STATE DEPT. OF TAX & FINANCE  
CIVIL ENFORCEMENT-CO-ATC  
W A HARRIMAN CAMPUS  
ALBANY, NY 12227

NIXON PEABODY LLP  
437 MADISON AVENUE  
ATTN: JOHN KELLY, ESQ.  
NEW YORK, NY 10022-7039

PRATT PLUMBING  
67 PHILLIPS ROAD  
RENSSELAER, NY 12144

PROCTOR PAINTING CO.  
121 CLOCKS BOULEVARD  
MASSAPEQUA, NY 11758

RBM GUARDIAN FIRE PROTECTION INC.  
8 ENTERPRISE DRIVE  
ALBANY, NY 12204

RIVERGATE DEVELOPMENT LLC  
104 SMITH AVENUE  
KINGSTON, NY 12401

ROB KNIESE & SON BUILDING LLC  
460 DEPOT ROAD  
DUANESBURG, NY 12056

RONDOUT PROPERTIES LTD.  
104 SMITH AVENUE  
KINGSTON, NY 12401

SCHACHTLER CONTRACTING INC.  
7430 SHANLEY ROAD  
DEANSBORO, NY 13328

SCHINDLER ELEVATOR CORP.  
35 HIGH STREET  
POUGHKEEPSIE, NY 12601

SCHOHARIE SENIOR HOUSING DEVELOPMENT  
FUND CORPORATION  
C/O BIRCHEZ ASSOC.; 104 SMITH AVE.  
KINGSTON, NY 12401

SCHOHARIE SENIOR HOUSING DEVT FUND CORP  
104 SMITH AVENUE  
KINGSTON, NY 12401

SCHOHARIE SENIOR HOUSING DEVT. FUND CORP  
104 SMITH AVENUE  
KINGSTON, NY 12401

STARK INDUSTRIES  
235 VLY ROAD  
SCHENECTADY, NY 12302

STEVEN AARON  
104 SMITH AVENUE  
KINGSTON, NY 12401

STONE INDUSTRIES LLC  
4305 ROUTE 50  
SARATOGA SPRINGS, NY 12866

TEMP-AIR, INC.  
3700 W. PRESERVE BOULEVARD  
BURNSVILLE, MN 55337

THE PALOMBO GROUP INC.  
6030 ROUTE 82  
STANFORDVILLE, NY 12581

TQ CONSTRUCTION INC.  
151 SPROUT ROAD  
VALLEY FALLS, NY 12185

VERSATILE OFFICE AND TRAILER  
527 ROUTE 31  
PORT BYRON, NY 13140

VILLAGE OF SCHOHARIE  
PO BOX 219  
SCHOHARIE, NY 12157

VILLNAVE CONSTRUCTION SERVICES  
883 BROADWAY  
ALBANY, NY 12207

WILLIAM O'ROURKE INC.  
299 UPPER FLAT ROCK ROAD  
VOORHEESVILLE, NY 12186

WILSON ELSER MOSKOWITZ EDELMAN & DICKER  
18 CORPORATE WOODS BOULEVARD, 3RD FLOOR  
ATTN: CHRISTOPHER PRIORE, ESQ.  
ALBANY, NY 12211